

REMARKS

This application has been reviewed in light of the Office Action dated March 21, 2008. Claims 1-20 are in this application, of which Claims 11-15 and 17-20 have been withdrawn from consideration. Of the claims under consideration, Claims 1 and 16 are in independent form. Claims 1, 10 and 16 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

The Examiner noted a typographical error in the date given for one of the priority applications. It appears to Applicant that the correct November 5, 2004, date is given for the later of his two priority applications both on the Application Data Sheet and on the Declaration. To ensure that the record is clear, nonetheless, Applicant hereby reiterates that he claims benefit under 35 U.S.C. § 119 of Japanese Patent Applications 2003-383367, filed November 13, 2003, and 2004-322358, filed November 5, 2004, certified copies of both of which have been filed int eh USPTO and are viewable on PAIR. Accordingly, full priority acknowledgment is respectfully requested.

Claims 1-10 and 16 were rejected under 35 U.S.C. § 112 as being indefinite.

Those claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 2, 4-7 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,084,604 (Moriyama et al.), Claims 3 and 8, as being obvious

from *Moriyama* in view of U.S. Patent 6,328,403 (Iwasaki et al.), and Claims 9 and 10, as being obvious from *Moriyama* in view of U.S. Patent 5,828,396 (Seto et al.).

Moriyama relates to a structure for creating data so that a part of a black image adjacent to a color image is recorded with a black ink formed by a plurality of color inks (see column 29).

In the apparatus of Claim 1, recording with black ink and with color ink applied (or added) according to a given ratio, is performed on extracted black adjacent pixels or extracted color adjacent pixels. As described on pages 24 and 26 in the specification, both the black adjacent pixels and the color adjacent pixels belong to pixels of a black image.

While in *Moriyama* a black image is recorded with mixed color inks in place of black ink, in the apparatus of Claim 1 a black image is recorded with black ink and with color ink applied (or added). Both are clearly different in structure from each other. Among other features recited in Claim 1 and not believed to be present in *Moriyama*, therefore, are the extraction means, which are for extracting either black adjacent pixels, “composed of pixels whose adjacent pixels *are recorded with black ink* [emphasis added]”, or color adjacent pixels, that “include pixels whose adjacent pixels *are recorded with color ink* [emphasis added]”, from among the pixels constituting a black image, and the data creating means, which create data that corresponds to color ink so that “recording with black ink *and* with color ink applied (or added) according to a given ratio is done [emphasis added]” on the extracted pixels.

Independent Claim 16 is a method claims corresponding to apparatus Claim 1, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200